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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAMBREEL HOLDINGS LLC; YONTOO LLC;
and THEME YOUR WORLD LLC,

Plaintiffs,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 3:12-CV-00668-CAB-KSC

**DECLARATION OF ROBERT KLINCK IN
SUPPORT OF *EX PARTE* APPLICATION.**

Judge: Hon. Cathy Ann Bencivengo

DECLARATION OF ROBERT KLINCK

I, Robert Klinck, declare as follows:

1. I am one of the attorneys representing Sambreel Holdings LLC, Yontoo LLC, and Theme Your World LLC (collectively "Sambreel").

2. I have met and conferred with Facebook, Inc.'s counsel regarding the filing of the *Ex Parte* Application for Leave to File Supplemental Authority in Support of Motion for Preliminary

Injunction and in Opposition to Facebook, Inc.'s Motion to Dismiss ("the *Ex Parte*"). Specifically, on August 16, 2012, I sent an e-mail to James Basile and Elizabeth Deeley stating that Sambreel intended to file the *Ex Parte*. In that e-mail I provided a citation to the four primary cases relied upon in the Supplemental Authority. The e-mail also stated that Sambreel would agree to Facebook filing a response. I asked Mr. Basile and Ms. Deeley to inform me whether Facebook would agree to the filing.

3. On August 17, 2012, Ms. Deeley sent a responsive e-mail that asserted that Facebook believed it would be inappropriate for Sambreel to file a Supplemental Authority. Ms. Deeley stated that filing a Supplemental Authority was inappropriate because: (a) none of the cases cited by Sambreel are new, (b) none of the cases "involve any of the antitrust issues that the court addressed at the hearing," and (c) the court has already received considerable briefing "on these issues."

4. On August 17, 2012, I spoke with Ms. Deeley on the telephone regarding the *Ex Parte*. During that call, Ms. Deeley reiterated Facebook's general view that it was not appropriate to file a Supplemental Authority at this time. Ms. Deeley asked that I send her a copy of the Supplemental Authority for her review. In a final attempt to resolve the issue, I sent Ms. Deeley a copy of the proposed Supplemental Authority early on the morning of August 20, 2012.

5. On August 20, 2012, Facebook's counsel reiterated that they oppose the filing of the Supplemental Authority.

6. Exhibit A is a copy of the Supplemental Authority.

7. Exhibit B is a copy of Ms. Deeley's e-mail to me on August 17, 2012, setting forth Facebook's reasons for objecting to the filing of the Supplemental Authority.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of August 2012, at Washington, D.C.



Robert Klinck

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of this DECLARATION OF ROBERT KLINCK via the CM/ECF system on August 20, 2012.

Dated: August 20, 2012

By: s/ Gregory P. Olson
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